

**RUBIN PATERNITI
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MEMORANDUM ENDORSEMENT

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October 12, 2020

Extension to January 21, 2021 granted.

Hon. Gabriel W. Gorenstein
Chief U.S. Magistrate Judge
Daniel Patrick Moynihan
United States Court House
500 Pearl Street
New York, NY 10007-1312

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge
October 13, 2020

Re: Sivio, Enza v. Village Care Max
Docket No.: 1:18-civ-2408
Request for Extension of Time To Submit Joint Pre-Trial Order

Your Honor:

I trust this finds you well during the pandemic. I write to request an extension of time to file with plaintiff's counsel the joint pre-trial order.

My office is newly-substituted counsel of record for the defendant, Village Care Max in this matter. On August 3, 2020, your undersigned filed a Notice of Substitution of Counsel (Dkt # 82), awaiting so-ordering by the Court. Prior counsel of record was the law firm of Littler Mendelson, P.C. by way of Ms. Rebecca Goldstein, Esq. and Mr. Eric Witkin, Esq.

This extension request is on consent of plaintiff's counsel and pursuant to Your Honor's Individual Rules of Practice 1(A) and 1(E). We request a ninety-day (90) extension of the parties' time to file their Joint Pre-Trial Order, which is currently due by October 21, 2020 (see ECF **Dkt. # 81**). The Order was originally due 2/21/20, initially extended upon plaintiff's request to 3/21/20 (Dkt. #s 74-75), and thereafter extended via three requests by prior counsel (Littler Mendelson, P.C.) (Dkt. #s 76-81).

We respectfully ask for the additional time due to our recent substitution and procurement of the litigation file from outgoing counsel Littler Mendelson, P.C. so that we may have sufficient time to review the voluminous record amassed in this case thus far through summary judgment, which was decided earlier this year. Compounding the voluminous file to review in this matter is the fact that my wife recently gave birth to our second child this past week. Although this has been a welcomed distraction from work, as well as the current Covid-19 strains on work and staffing issues – as I hope to be able to take a modest amount of time off to spend with my newborn – a distraction nonetheless it will be.

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Page 2 of 2

Finally, and perhaps most importantly, plaintiff's counsel and I have been in discussions on submitting this case for private mediation and are in the process of making plans for same in an attempt to reach an amicable resolution without prolonged litigation.

As always, I thank the Court for its time, courtesies and consideration in this as in every other matter.

Yours truly,



Juan C. Gonzalez
Partner

Cc: All Counsel of Record via ECF